

Anthony J. Pope (AP 2188)
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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
ANTHONY CASSO,

Plaintiff,

09 Civ. 520 (LTS)

- against -

**AFFIDAVIT FOR
JUDGMENT BY DEFAULT**

PHILIP CARLO,

Defendant.

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

ANTHONY J. POPE, ESQ., being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a partner with the law firm of Caruso, Pope, Edell, Picini, P.C., attorneys for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.

3. This is an action to recover monies owed by defendant to plaintiff for unjust enrichment, breach of contract, breach of the implied covenant of good faith and fair dealing, and fraud.

4. Jurisdiction of the subject matter of this action is based on upon diversity of citizenship, pursuant to 28 U.S.C. 1332(a)(1). The amount in controversy also exceeds the sum or value of \$75,000, exclusive of interest and costs.

5. This action was commenced on January 20, 2009 by the filing of the summons and complaint. (Exhibit A). A copy of the summons and complaint was served on the defendant on April 25, 2009 by personal service on the defendant, Philip Carlo. (Exhibit B). Specifically, Philip Carlo was personally served and proof of service by the Process Server was filed on May 21, 2009. (Exhibit C & D). The defendant is not a minor, incompetent, nor in the military service of the United States.

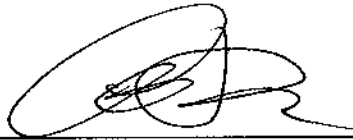
6. The defendant has not answered the complaint and the time for the defendant to answer the complaint has expired.

7. This action seeks judgment for an amount to be determined, in light of the fact that the defendant has not answered the complaint and plaintiff's request for an accounting from the defendant and/or his representative(s) have been ignored. Regardless, no monies have been paid to plaintiff.

8. The disbursements sought to be taxed have been made in this action or will necessarily be made herein.

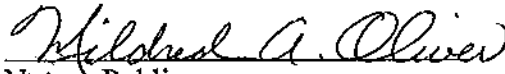
WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: Fairfield, New Jersey
March 4, 2010



ANTHONY J. POPE, ESQ.

Sworn to before me this 4th
day of March, 2010.



Notary Public

MILDRED A. OLIVER
A Notary Public of New Jersey
My Commission Expires July 23, 2011